

Background

Arrangements for the application of the *Freedom of Information Act 1982* (FOI Act) to the NBN Co. Limited (NBN Co.) were established through the *Telecommunications Legislation Amendment (National Broadband Network Measures—Access Arrangements) Act 2011* and the *National Broadband Network Companies Act 2011*. The Acts were passed by the Parliament on 28 March 2011 and received royal assent on 12 April.

Part 4 of Schedule 1 of the *Telecommunications Legislation Amendment (National Broadband Network Measures—Access Arrangements) Act 2011* amended the FOI Act to make the NBN Co. subject to the FOI Act, with a specific exemption for the NBN Co. in relation to its commercial activities. Part 4 of Schedule 1 commenced on 11 June 2011.

Since the commencement of these provisions, the NBN Co. has received 33 requests for documents under the FOI Act and has released 46 documents in response to requests under the FOI Act (as at 5 April 2012). The NBN Co. has also established a website setting out its FOI processes for applicants and disclosing a range of general information about its operations.

Section 100A of the *National Broadband Network Companies Act 2011* (NBN Companies Act) provides for a review of the FOI Act as it applies to the NBN Co.:

- Subsection 100A(1) of the NBN Companies Act provides that the Minister responsible for administering the FOI Act must, before the first anniversary of the commencement of the section, cause to be conducted a review of the operation of the FOI Act so far as that Act relates to documents of NBN Co.
- Subsections 100A(2) and (3) require a report of the review to be prepared and tabled in each House of the Parliament.